

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/780,852

Applicant(s)

ROSENBERG ET AL.

Examiner

Jeffery A. Brier

Art Unit

2628

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 10 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires ____ months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 - (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) They raise the issue of new matter (see NOTE below);
 - (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s): _____.
6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fail to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. Other: See Continuation Sheet

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Continuation of 11. does NOT place the application in condition for allowance because:

Applicants arguments at page 8 first full paragraph concerning the meaning of "inhibits" has been fully considered, however. Examiner Brier proffers that a definition of "inhibits" in the context of the Baer patent and in the mechanical arts would be "restrain" or "hold back" and not "prevent" since thrust bearings need some clearance in order to operate without binding. In the attached chapter titled "REDUCTION GEARS" in section 13A3 which may be found at <http://maritime.org/fleetsub/diesel/> clearance in the thrust bearing is discussed. Section 13A3 states:

13A3. Flexible couplings between pinion and motor shafts. The couplings between the two main motor armature shafts and the pinion shafts of the reduction gear are of the enclosed flexible type. Each coupling consists essentially of two hubs with external spur gears, and two sleeves with internal spur gears. The hubs are pressed on and keyed to their respective shafts. The floating sleeves fit around the hubs so that the spur gear teeth are permanently meshed. The floating sleeves are bolted together.

This type of coupling provides longitudinal flexibility between the driving and driven shafts and thereby permits the pinion to trail the main gear. Movement of the main gear is in turn limited by the clearance in the thrust bearing. The coupling permits a small amount of misalignment of the hubs to occur without causing operational difficulties. However, it is not advisable to operate continuously with the hubs out of alignment because the coupling is not intended to function as a universal joint. Continuous operation with the hubs out of alignment will result in excessive friction and gear teeth wear, and eventually will cause a breakdown.

The couplings are lubricated by a continuous stream of oil supplied by the main motor and reduction gear lubricating oil pump. Oil enters through a nozzle and after passing between the gear teeth is discharged through holes in the sleeve.

Applicants arguments at pages 8 to 10 concerning the presence of an aperture in Adelstein and the assertion "However, there is no citation to disclosure of translational movement through an aperture in Adelstein, only a conclusory statement that such a feature is disclosed", see page 9 last sentence of the first full paragraph, has been fully considered, however, with reference to the Examiner's obvious statement and figures 1-6 of Adelstein, noting figures 2, 3, 4, and 6, and Adelstein's special thrust bearing "embedded in the manipulandum linkage" one of ordinary skill in the art would recognize an aperture is present in the linkage to allow for tangential movement as well as longitudinal movement due to necessary thrust bearing clearances.

In view of the above applicants arguments filed on 09/10/2009 are not persuasive to overcome the rejections set forth in the office action mailed on 07/10/2009.

Continuation of 13. Other:

The claim listing is not being entered because no amendments have been made to the claims.

Attachment: PTO-892

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